

AUSTRALIA

Patents Act 1990

IN THE MATTER OF Australian Patent Application Serial No 696764 by Human Genome Sciences, Inc.

-and-

IN THE MATTER OF Opposition thereto by Ludwig Institute of Cancer Research

STATUTORY DECLARATION

I, Francis John Ballard of 52A Bridge Street, Kensington, South Australia 5068, do solemnly and sincerely declare as follows :

1. I currently hold the positions of Managing Director, GroPep Pty Ltd, Director and Chairman of PrimeGRO Pty Ltd and Affiliate Professor in Biotechnology at the University of Adelaide. I received my BSc with Honours in 1961 and my PhD in 1964, both of which were awarded by the University of Western Australia. Since that time I have worked substantially continuously as a scientific researcher in the USA and Australia in cellular biochemistry and molecular biology, with a particular focus since approximately 1980 on the molecular biology and mechanism of action of growth factors, including research into wound healing, endothelial cell growth, and angiogenesis. In addition to my own research efforts, I was Director of the Cooperative Research Centre ("CRC") for Tissue Growth and Repair (1991 to 1999), which required me to direct and coordinate the research programs of the CRC. In recognition of my distinguished contributions to scientific research I was awarded the Lemberg Medal by the Australian Biochemical Society (now the Australian Society for Biochemistry and Molecular Biology) in 1984 and in 1997 was elected a Fellow of the Australian Academy of Technological Sciences and Engineering. I receive numerous invitations to speak at national and international symposia in the areas of my scientific expertise. I also supervise the post-graduate research of others, and have authored and co-authored numerous original research articles published in peer-reviewed journals and I have (and do) serve on the editorial board of such journals. My detailed *Curriculum Vitae* is attached hereto as Exhibit 1.

2. I have been asked by the Ludwig Institute for Cancer Research ("Ludwig Institute") to serve as a scientific expert in connection with Ludwig Institute's opposition to the issuance of a Patent to Human Genome Sciences, Inc. ("HGS") based on HGS's Australian Patent Application Number 696764. I have read and understand the specification and claims of Australian Patent Application Number 696764.
3. I am aware that Associate Professor Peter Rogers of the Department of Obstetrics and Gynaecology, Monash University, Victoria, Australia has also been asked by the Ludwig Institute to serve as a scientific expert in this matter. I am aware that a Declaration by Associate Professor Rogers has been prepared.
4. I am aware that two Declarations by John Francis McCann of 31 Market Street, Sydney, New South Wales, have also been prepared in respect of this matter. I have read and understand the Declarations of John Francis McCann and the Exhibits thereto.
5. I have read and understand the Declaration by Associate Professor Rogers. I agree with the opinions expressed by Associate Professor Rogers in his declaration.

AND I MAKE this solemn declaration by virtue of the Statutory Declarations Act 1959, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED at Adelaide

this 16th day of February 2000



Francis John Ballard

BEFORE ME:

B. Dolman, J.P. 17434

NOTARY PUBLIC
A Notary Public in the State of South Australia
and the Commonwealth of Australia